

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL YAUGER and

DAWN YAUGER, h/w,

Plaintiffs,

v.

MID-CENTURY INSURANCE COMPANY,

Defendant.

CIVIL ACTION

NO. 23-4075-KSM

ORDER

AND NOW this 12th day of February, 2024, upon consideration of Defendant's Motion to Dismiss Counts II and III (Doc. No. 9), and Plaintiffs' response (Doc. No. 20), and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that:

1. The motion to dismiss Counts II and III is **GRANTED**.
2. Counts II and III of the Complaint are **DISMISSED WITHOUT PREJUDICE**.
3. By March 4, 2024, Plaintiffs may, consistent with the Memorandum, file an amended complaint reasserting their claims with additional factual allegations to support Counts II and III. If Plaintiffs fail to timely file an amended complaint, the case will proceed on Count I of the Complaint (*see* Doc. No. 1).

IT IS SO ORDERED.

/s/Karen Spencer Marston

KAREN SPENCER MARSTON, J.